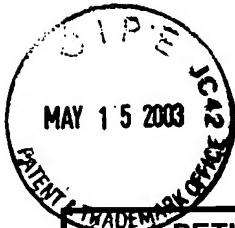


5-19-03

BDAE  
#5

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR  
INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

3399P074

First Named Inventor: Bruce Loring Brown, Jr.

Application No.: 10/054,771

Art Unit: 2154

Filed: January 22, 2002

Examiner: An, Meng Ai T.

Title: Electronic Mail Retrieval

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9283

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)**

Adjustment date: 06/12/2003 CKHLOK  
 05/21/2003 SLUANG1 00000025 10054771  
 01 FC:1453 -1300.00 0P  
 Repl. Ref: 06/12/2003 CKHLOK 0010480700  
 DA#: 122666 Name/Number:10054771  
 FC: 204 \$1300.00 CR

1. Petition fee

- Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Other than small entity - fee \$1300.00 (37 CFR 1.17(m)).

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently filed foreign or international application is December 31, 2002.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
 Based on Form PTO/SB/64a (05-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 5/13/03.

05/21/2003 SLUANG1 00000025 10054771

[Page 1 of 2]

1300.00 0P  
01 FC:1453**RECEIVED**

MAY 2 2003

**OFFICE OF PETITIONS**

**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.  
[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**

May 15, 2003

Date

Telephone

Number: (408) 720-8300



Signature

Jordan M. Becker, Reg. No. 39,602

Typed or printed name & Registration No.

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025

Enclosures:  Fee Payment  
 Additional sheets containing statements establishing unintentional delay  
 Other: Submission of Petition for Revival and Notice of Foreign Filing

This correspondence is being sent via express mail (Express Mail No. EV341064159US).



## SUBMISSION OF PETITION FOR REVIVAL

Docket Number:  
3399P074

First named inventor: Bruce Loring Brown, Jr.

Application No.: 10/054,771 Art Unit: 2154

Filed: January 22, 2002 Examiner: An, Meng Ai T.

Title: Electronic Mail Retrieval

Attention: Office of Petitions

### Mail Stop Petition

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

5/15/03

Date

Signature

Telephone

Number: (408) 720-8300

Jordan M. Becker

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
Telephone Number: (408) 720-8300

39,602

Registration No.

This correspondence is being sent via express mail (Express Mail No. EV341064159US).

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MAY 22 2003

OFFICE OF PETITIONS



MAY 15 2003

Attorney Docket No.: 3399P074

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Bruce Loring Brown, Jr. et al.

Serial No.: 10/054,771

Filing Date: January 22, 2002

For: ELECTRONIC MAIL RETRIEVAL

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner: An, Meng Ai T.

Art Unit: 2154

"Express Mail" mailing label number EV341064159US  
I hereby state that I am causing this paper or fee to be  
deposited with the United States Postal Service "Express  
Mail Post Office to Addressee" service on the date  
indicated below and that this paper or fee has been  
addressed to the Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450 on  
May 15, 2003  
(Date of Deposit)

Julie Arango

(Printed name)

Julie Arango  
(Signature)

5/15/03  
(Date)

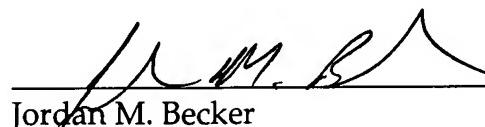
NOTICE OF FOREIGN FILING

Dear Sirs:

This letter is to notify the U.S.P.T.O. that on December 31, 2002, Applicant filed the above-identified application in another country or under a multilateral agreement that requires publication of applications eighteen months after filing. A Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii) was previously filed by Applicant.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 5/15/03

  
Jordan M. Becker  
Reg. No. 39,602

Customer No. 26529  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300

**RECEIVED**

MAY 22 2003

OFFICE OF PETITIONS



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT**      (\$ ) **1,300.00**

*Complete if Known*

Application Number	10/054,771
Filing Date	January 22, 2002
First Named Inventor	Bruce Loring Brown, Jr.
Examiner Name	An, Meng Ai T.
Group/Art Unit	2154
Attorney Docket No.	3399P074

## METHOD OF PAYMENT (check one)

Check     Credit card     Money Order     Other     None  
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1)</b>		(\$)		

### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		20**	= <input type="text"/> X <input type="text"/> = <input type="text"/>	
		3	= <input type="text"/> X <input type="text"/> = <input type="text"/>	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple Dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		(\$)		

\*\*or number previously paid, if greater. For Reissues, see below

### 3. ADDITIONAL FEES

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath			
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
2053	130	2053	130	Non-English specification			
1812	2,520	1812	2,520	For filing a request for ex parte reexamination			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
1251	110	2251	55	Extension for reply within first month			
1252	410	2252	205	Extension for reply within second month			
1253	930	2253	465	Extension for reply within third month			
1254	1,450	2254	725	Extension for reply within fourth month			
1255	1,970	2255	985	Extension for reply within fifth month			
1404	320	2401	160	Notice of Appeal			
1402	320	2402	160	Filing a brief in support of an appeal			
1403	280	2403	140	Request for oral hearing			
1451	1,510	2451	1,510	Petition to institute a public use proceeding			
1452	110	2452	55	Petition to revive - unavoidable			
1453	1,300	2453	650	Petition to revive - unintentional			
1501	1,300	2501	650	Utility issue fee (or reissue)			
1502	470	2502	235	Design issue fee			
1503	630	2503	315	Plant issue fee			
1460	130	2460	130	Petitions to the Commissioner			
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)			
1806	180	1806	180	Submission of Information Disclosure Stmt			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1809	750	1809	375	Filing a submission after final rejection (37 CFR § 1.129(a))			
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))			
1801	750	2801	375	Request for Continued Examination (RCE)			
1802	900	1802	900	Request for expedited examination of a design application			
Other fee (specify)							

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: <u>6/11/03</u>		2 Serial/Patent # <u>101054,771</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input type="checkbox"/> Extension of Time			\$
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/> Petition		5	<u>5/15/03</u> \$ 1,300.00
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input type="checkbox"/> Other			\$
		7 TOTAL AMOUNT OF REFUND	<u>\$ 1,300.00</u>
		8 TO BE REFUNDED BY:	
		<input type="checkbox"/> Treasury Check	
<input type="checkbox"/> Overpayment		<input checked="" type="checkbox"/> Credit Deposit A/C #:	
<input type="checkbox"/> Duplicate Payment		9 <u>0 2 -- 2 6 6 6</u>	
<input checked="" type="checkbox"/> No Fee Due (Explanation):  <u>Petition dismissed as moot</u>			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Cliff Congo</u>		TITLE: <u>Petitions Attorney</u>	
SIGNATURE: <u>Cliff Congo</u>		PHONE: <u>305-6272</u>	
OFFICE: <u>Petitions</u>		***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****	
APPROVED: <u>Dany Khluk</u>		DATE: <u>6/12/03</u>	

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B